

RIDER "E"
PROGRAM REQUIREMENTS
(Mental Retardation Services)

Eligibility

1. All individuals who meet the criteria for eligibility established in 34-B M.R.S.A. §5469 are eligible for services under this Agreement. Payment for services will be made to the Provider under this Agreement only for individuals specifically identified and for specific services approved by the department in advance.

Compliance with Consent Decrees

2. The "Community Consent Decree" is the federal civil action officially captioned *Consumer Advisory Board v. Duby*, No. 91-321-P-C (D. Ct. Me.) is incorporated herein by reference. Insofar as the Provider serves members of the class, all terms and conditions of the Community Consent Decree are applicable to this Agreement. All Providers must pay particular attention to the Grievance & Appeal process available to persons with mental retardation and autism served by the Provider, and ensure that notice of the process is regularly provided to persons served by the Provider.

Service Planning

3. The Provider shall comply with all requirements of the Department relative to the Person Centered Planning process. Specifically, the Provider shall:

- a. Participate in the planning process in the capacity that is negotiated as part of this Agreement;
- b. Participate in planning efforts in a way that identifies and records individuals' needs and wishes;
- c. Adhere to specific timelines for completion and submission of written plans to the Department; and
- d. Ensure that staff who facilitate planning meetings have the necessary training and support to assist in compliance with this Agreement.

Service Standards

4. The Provider must follow the following provisions regarding service standards:

- a. The Provider shall provide timely notification to the Department's Regional office of all Reportable Events in accordance with the provisions of the Department's Reportable Events Policy.
- b. Providers that offer residential services at sites where three or more people live together must have the appropriate state license for each site as required by the "Regulations Governing the Licensing and Functioning of Assisted Living Facilities" (effective May 29, 1998). A current copy of these regulations is available at: <http://www.maine.gov/dhhs/beas/alls/rulemaking/index.htm>
- c. Providers that offer residential services at sites where one or two persons live must adhere to the terms and conditions of the "DHHS Adult Mental Retardation

Residential Certification Standards.” A current copy of these standards is available at:

<http://www.maine.gov/dhhs/bds/mrsvservices/residential-train/home.html>

Staff Qualifications and Training

5. The Provider shall require that all staff receive appropriate orientation and specific training for their position. The Department may from time to time specify training requirements for the Provider's staff, and the Provider shall ensure compliance with those requirements.

Miscellaneous

6. Employees of the Department shall have the right to enter all Provider managed service delivery sites at any time to monitor the services to and records of consumers. The Provider and its staff shall cooperate fully with the Department's employees in providing access to the consumers and their records.

7. The Provider shall cooperate with the Department in a regular review of the condition of any facilities operated by the Provider to ensure safety to consumers and that such facilities meet the requirements of this Agreement. The Provider shall take prompt and appropriate action to remedy any conditions found by the Department to be unsatisfactory or otherwise in need of correction.

Termination by Provider

8. Termination of the performance of work under this Agreement by the Provider requires written notice to the Contract Administrator. Such written notice will stipulate the date of termination, but in no case shall it be fewer than 30 days.

Accessibility for the Deaf and Hard of Hearing.

9. The Provider shall maintain and periodically test a telecommunications device for the deaf (TTY) that is available and accessible for use by clients and staff for incoming and outgoing calls. The Provider shall ensure that appropriate staff have been trained in the use of the telecommunications device and that the TTY telephone number is published on all of the Provider's stationery, letterhead, business cards, etc., and in the local telephone books as well as in the statewide TTY directory.

The Provider, at its expense, shall obtain the services of a qualified sign language interpreter or other adaptive service or device when requested by a consumer or family member. Interpreters must be licensed with the Maine Department of Professional and Financial Regulation in the Office of Licensing and Registration. The Provider shall document the interpreter's name and license number in the file notes for each interpreted contact.

Deaf and/or severely hard of hearing.

10. Providers who serve deaf and/or severely hard of hearing consumers shall:

- Provide visible or tactile alarms for safety and privacy (e.g., fire alarms, doorbell, door knock light);

- Train staff in use and maintenance of all adaptive equipment in use in the program, including but not limited to: hearing aids, TTY, fax machine, caption controls on TV, and alarms.

The Maine Center on Deafness www.mainecenterondeafness.org/ offers assistance to individuals that need specialized telecommunications devices.

Provider responsibilities: deaf, hard of hearing and/or nonverbal.

11. Providers who serve deaf, hard of hearing, and/or nonverbal consumers for whom sign language has been determined as a viable means of communication shall:

- a. Provide ongoing training in sign language and visual gestural communication to all staff on all shifts that need to communicate meaningfully with these clients, and document staff attendance and performance goals with respect to such training;
- b. Develop clear written communication policies for the agency and each program of the agency, including staff sign/visual gestural proficiency expectations, and when and how to provide qualified sign language interpretation; and
- c. Ensure that staff have a level of proficiency in sign language that is sufficient to communicate meaningfully with consumers.